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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

JOHN DOE A, a minor by and through his legal guardians Richard Roe and Jane Roe; and JOHN DOE B, a married man; as individuals and on behalf of others similarly situated,

Plaintiffs,

v.

WASHINGTON STATE PATROL, an agency of the State of Washington,

Defendant.

NO. 13-2-41107-5 SEA

DEFENDANT'S ANSWER TO COMPLAINT

COMES NOW the Defendant, Washington State Patrol, by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and SHELLEY A. WILLIAMS, Assistant Attorney General, and hereby submits its answer to Plaintiffs' complaint.

I. RESPONSE TO PARTIES

1.1 Defendant is without knowledge or information sufficient to form a belief as to the allegations in this paragraph and, therefore denies the same.

1.2 Defendant is without knowledge or information sufficient to form a belief as to the allegations in this paragraph and, therefore denies the same.

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1 1.3 Defendant admits the allegations in this paragraph.

2 1.4 Defendant admits the allegations in this paragraph.

3 **II. RESPONSE TO JURISDICTION AND VENUE**

4 2.1 Defendant admits the allegations in this paragraph.

5 **III. RESPONSE TO GENERAL ALLEGATIONS**

6 3.1 The allegations in this paragraph constitute legal argument and a statement of
7 the law to which no factual response is required and, Defendant neither admits nor denies. As
8 to the Plaintiffs' statement of the law, the law speaks for itself.

9 3.2 The allegations in this paragraph constitute legal argument and a statement of
10 the law to which no factual response is required and, Defendant neither admits nor denies. As
11 to the Plaintiffs' statement of the law, the law speaks for itself. To the extent that a factual
12 response is required, Defendant denies the allegations contained in this paragraph.

13 3.3 The allegations in this paragraph constitute legal argument and a statement of
14 the law to which no factual response is required and, Defendant neither admits nor denies. As
15 to the Plaintiffs' statement of the law, the law speaks for itself. To the extent that a factual
16 response is required, Defendant denies the allegations contained in this paragraph.

17 3.4 The allegations in this paragraph constitute legal argument and a statement of
18 the law to which no factual response is required and, Defendant neither admits nor denies. As
19 to the Plaintiffs' statement of the law, the law speaks for itself. To the extent that a factual
20 response is required, Defendant denies the allegations contained in this paragraph.

21 3.5 The allegations in this paragraph constitute legal argument and a statement of
22 the law to which no factual response is required and, Defendant neither admits nor denies. As
23 to the Plaintiffs' statement of the law, the law speaks for itself. To the extent that a factual
24 response is required, Defendant denies the allegations contained in this paragraph.

25 3.6 The allegations in this paragraph constitute legal argument and a statement of
26 the law to which no factual response is required and, Defendant neither admits nor denies. As

1 to the Plaintiffs' statement of the law, the law speaks for itself. To the extent that a factual
2 response is required, Defendant denies the allegations contained in this paragraph.

3 3.7 Defendant admits the allegations in this paragraph.

4 3.8 Defendant is without knowledge or information sufficient to form a belief as to
5 the allegations in this paragraph and, therefore denies the same.

6 3.9 Defendant admits the allegations in this paragraph.

7 3.10 Defendant admits the allegations in this paragraph.

8 3.11 Defendant admits the allegations in this paragraph.

9 3.12 Defendant admits the allegations in this paragraph.

10 3.13 Defendant admits the allegations in the first sentence of this paragraph.
11 Defendant admits that the Sex and Kidnapping Offender Registry Database includes the
12 names, addresses, crimes resulting in a registration requirement, and photographs of registered
13 Level I sex offenders. By way of further answer, Defendant denies that the extract of the Sex
14 and Kidnapping Offender Registry Database the Washington State Patrol would produce in
15 response to Ms. Donna Zink's public records request includes photographs. Defendant admits
16 that the Sex and Kidnapping Offender Registry Database includes Level I sex offenders in
17 compliance with their registration obligations. The remaining allegations in this paragraph
18 constitute legal argument and a statement of the law to which no factual response is required
19 and, Defendant neither admits nor denies. To the extent that a factual response is required,
20 Defendant denies the remaining allegations contained in this paragraph.

21 3.14 Defendant admits that the Washington State Patrol intended to release the Sex
22 and Kidnapping Offender Registry Database in response to Ms. Donna Zink's public records
23 request. The Defendant admits that the Washington State Patrol would not conduct an
24 analysis under RCW 4.24.550 before producing the Sex and Kidnapping Offender Registry
25 Database in response to Ms. Donna Zink's public records request. The Defendant admits that
26 the Washington State Patrol does not consider sex offender registration records categorically

1 exempt from disclosure under the Public Records Act, chapter 42.56 RCW. The remaining
2 allegations in this paragraph constitute legal argument and a statement of the law to which no
3 factual response is required and, Defendant neither admits nor denies. To the extent that a
4 factual response is required, Defendant denies the remaining allegations contained in this
5 paragraph.

6 3.15 Defendant is without knowledge or information sufficient to form a belief as to
7 the allegations in this paragraph and, therefore denies the same.

8 3.16 The allegations in this paragraph constitute legal argument and a statement of
9 the law to which no factual response is required and, Defendant neither admits nor denies. To
10 the extent that a factual response is required, Defendant denies the allegations contained in
11 this paragraph.

12 IV. RESPONSE TO CLASS ACTION ALLEGATIONS

13 4.1 The allegations in this paragraph constitute legal argument and a statement of
14 the law to which no factual response is required and, Defendant neither admits nor denies. As
15 to the Plaintiffs' statement of the law, the law speaks for itself. To the extent that a factual
16 response is required, Defendant denies the allegations contained in this paragraph.

17 4.2 The allegations in this paragraph constitute legal argument and a statement of
18 the law to which no factual response is required and, Defendant neither admits nor denies. To
19 the extent that a factual response is required, Defendant denies the allegations contained in
20 this paragraph.

21 4.3 The allegations in this paragraph constitute legal argument and a statement of
22 the law to which no factual response is required and, Defendant neither admits nor denies. To
23 the extent that a factual response is required, Defendant denies the allegations contained in
24 this paragraph.

25 4.4 The allegations in this paragraph constitute legal argument and a statement of
26 the law to which no factual response is required and, Defendant neither admits nor denies. To

1 the extent that a factual response is required, Defendant denies the allegations contained in
2 this paragraph.

3 4.5 The allegations in this paragraph constitute legal argument and a statement of
4 the law to which no factual response is required and, Defendant neither admits nor denies. To
5 the extent that a factual response is required, Defendant denies the allegations contained in
6 this paragraph.

7 4.6 The allegations in this paragraph constitute legal argument and a statement of
8 the law to which no factual response is required and, Defendant neither admits nor denies. To
9 the extent that a factual response is required, Defendant denies the allegations contained in
10 this paragraph.

11 4.7 The allegations in this paragraph constitute legal argument and a statement of
12 the law to which no factual response is required and, Defendant neither admits nor denies. To
13 the extent that a factual response is required, Defendant denies the allegations contained in
14 this paragraph.

15 **V. RESPONSE TO FIRST CLAIM FOR RELIEF**

16 5.1 Defendant re-asserts and incorporates the responses to paragraphs 1.1 through
17 4.7 above.

18 5.2 The allegations in this paragraph constitute legal argument and a statement of
19 the law to which no factual response is required and, Defendant neither admits nor denies. To
20 the extent that a factual response is required, Defendant denies the allegations contained in
21 this paragraph.

22 5.3 The allegations in this paragraph constitute legal argument and a statement of
23 the law to which no factual response is required and, Defendant neither admits nor denies. To
24 the extent that a factual response is required, Defendant denies the allegations contained in
25 this paragraph.

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1 **VI. RESPONSE TO SECOND CLAIM FOR RELIEF**

2 6.1 Defendant re-asserts and incorporates the responses to paragraphs 1.1 through
3 5.3 above.

4 6.2 The allegations in this paragraph constitute legal argument and a statement of
5 the law to which no factual response is required and, Defendant neither admits nor denies. To
6 the extent that a factual response is required, Defendant denies the allegations contained in
7 this paragraph.

8 6.3 The allegations in this paragraph constitute legal argument and a statement of
9 the law to which no factual response is required and, Defendant neither admits nor denies.

10 **VII. RESPONSE TO PRAYER FOR RELIEF**

11 In response to paragraphs A. – F. in the Prayer for Relief, Defendant denies that the
12 Plaintiffs are entitled to any of the relief set forth as requested in the Class Action Complaint
13 for Declaratory and Injunctive Relief or otherwise in this action, including but not limited to
14 relief under RCW 42.56.540 or RCW 7.24.010.

15 **VIII. DEFENDANT’S AFFIRMATIVE DEFENSES**

16 Having answered the allegations of Plaintiffs’ complaint, and by way of further answer
17 and affirmative defense, Defendant affirmatively alleges:

18 1. By WAY of FURTHER ANSWER and FIRST AFFIRMATIVE DEFENSE,
19 Defendant alleges that the Plaintiffs have failed to state a claim against Defendant upon which
20 relief can be granted.

21 2. By WAY OF FURTHER ANSWER and SECOND AFFIRMATIVE
22 DEFENSE, Defendant alleges that the Plaintiffs have failed to join an indispensable party and
23 therefore the action will not lie.

24 Defendant reserves the right to amend its answer by way of adding affirmative
25 defenses which may be appropriate if further information relevant to an answer is determined.


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IX. DEFENDANT'S REQUEST FOR RELIEF

1 Wherefore, having fully answered Plaintiffs' complaint and having alleged its
2 affirmative defenses, Defendant prays for judgment dismissing the Washington State Patrol
3 from this cause with prejudice; awarding Defendant its statutory costs and fees; and awarding
4 Defendant any additional or further relief which the Court finds appropriate and just.

5 RESPECTFULLY SUBMITTED this 20th day of December, 2013.

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7 ROBERT W. FERGUSON
Attorney General

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10 SHELLEY WILLIAMS, WSBA #37035
Assistant Attorney General
11 Attorneys for Washington State Patrol
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